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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,617	11/27/2001	John Bertin	07334-340001 / MPI99-258C	5703
26161	7590	08/19/2004	EXAMINER MCGARRY, SEAN	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			ART UNIT 1635	PAPER NUMBER

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

The reply filed on 5/21/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment filed on 5/21/04 amends the claims to read on other than the elected invention. The claims now read on an invention other than that which was originally examined in the Official Action mailed 2/18/04. The claims now read on a non-elected invention and is non-responsive (MPEP § 821.03). The claims are not readable on the elected invention because the elected invention was drawn to a method for identifying a compound which modulates the interaction between CARD-7 and CARD-5 via contacting CARD-7 and CARD-5 with a test compound and measuring the binding of CARD-5-CARD-7. The claims have been amended to now read on a method of identifying a compound that modulates the interaction between CARD-7 and a CARD-7 ligand via contacting a polypeptide containing residues 1335-1429 of SEQ ID NO:2 (CARD domain of CARD-7) and a polypeptide containing residues 1335-1429 of SEQ ID NO: 2 (CARD domain of CARD-7) or a polypeptide containing residues 111-181 of SEQ ID NO: 8 (CARD domain of CARD-5). A method that identifies compounds that inhibit interaction between two CARD-7 CARDS is method that is patentably different than method that identifies a compound that inhibits an interaction between a CARD-7 and a CARD-5 and further between a CARD of CARD-7 and a CARD of CARD-5. The method are not interchangeable and require the use of materially different compounds

where the use of these materially different compound will lead to different ends. A screen of CARD-5: CARD-7 inhibitors is not necessarily going to produce inhibitors of CARD-7: CARD-7 inhibitors, for example. It is noted that claims 17 and 18 read on the elected invention but since claims 1 would need to be withdrawn from consideration as reading on a non-elected invention, claims 17 and 18 would be unexamined. New claims 20-21 are further drawn to a non-elected invention since the method is for the identification of interaction between a nucleotide and CARD-7. A nucleotide is not a CARD-5 and a CARD-5 is not a nucleotide, therefore the elected invention and that of claims 20-22 are mutually exclusive. Limiting the claims to read on only CARD-7 and CARD-5 interactions would be remedial.

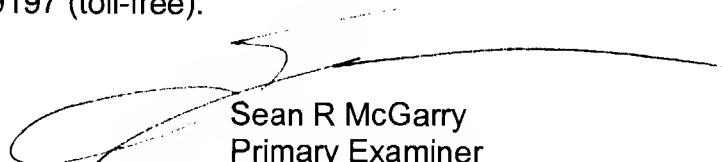
The reference cited on the attached PTO-892 is considered pertinent to applicants disclosure but is not relied upon in the instant Official Action.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean R McGarry whose telephone number is (571) 272-0761. The examiner can normally be reached on M-Th (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader can be reached on (571) 272-0760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sean R McGarry
Primary Examiner
Art Unit 1635

SRM